

Message Text

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ACTION SCI-06

INFO OCT-01 IO-13 ADP-00 ACDA-19 CIAE-00 INR-10 L-03

NSAE-00 NSC-10 RSC-01 SCEM-02 RSR-01 /066 W

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P 291254Z AUG 73

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC PRIORITY 3300

INFO AEC GERMANTOWN PRIORITY

LIMITED OFFICIAL USE SECTION 1 OF 2 IAEA VIENNA 7117

EO 11652: N/A

TAGS: PARM, IAEA, US

SUBJECT: NEGOTIATION OF US-IAEA SAFEGUARDS AGREEMENT

REF: TELCON YEOMANS/LABOWITZ 8/24

1. PER REQUEST REFTELCON, MISSION'S DRAFT TEXT OF PRINCIPAL PROVISIONS PROPOSED PROTOCOL TO SUBJECT AGREEMENT FOLLOWS. SEE SEPTTEL FOR ASSUMPTIONS AND COMMENTS.

BEGIN TEXT

ART 101. THE PURPOSE OF THIS PROTOCOL, WHICH IS AN INTEGRAL PART OF THE AGREEMENT, IS TO SPECIFY THE PROCEDURES TO BE FOLLOWED WITH RESPECT TO (I) THE ESTABLISHMENT AND MAINTENANCE, PURSUANT TO ARTICLE 34, OF THE LIST OF FACILITIES OR OTHER LOCATIONS NOT ASSOCIATED WITH ACTIVITIES HAVING DIRECT NATIONAL SECURITY SIGNIFICANCE, (II) THE PREPARATION OF PROVISIONAL FACILITY ATTACHMENTS IN RESPECT OF LISTED FACILITIES, AND (III) THE MAINTENANCE OF RECORDS AND SUBMISSION OF REPORTS.

ART 102. THE INITIAL LIST OF FACILITIES AND OTHER LOCATIONS, NOT ASSOCIATED WITH ACTIVITIES HAVING DIRECT NATIONAL SECURITY SIGNIFICANCE, PROVIDED BY THE UNITED STATES IN ACCORDANCE WITH ARTICLE 34 IS SHOWN IN THE ANNEX TO THIS PROTOCOL.

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ART 103. IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 34, THE

UNITED STATES SHALL NOTIFY THE AGENCY OF THOSE FACILITIES AND OTHER LOCATIONS WHICH SHALL BE ADDED TO OR REMOVED THE LIST SHOWN IN THE ANNEX. THE AGENCY, UPON RECEIPT OF SUCH NOTIFICATION, SHALL REVISE THE LIST ACCORDINGLY AND CONFIRM TO THE UNITED STATES THAT SUCH REVISION TO THE ANNEX HAS BEEN MADE.

ART 104. A. AFTER ENTRY INTO FORCE OF THIS AGREEMENT, THE AGENCY MAY FROM TIME TO TIME IDENTIFY TO THE UNITED STATES FROM AMONG THOSE FACILITIES AND OTHER LOCATIONS LISTED IN THE ANNEX (AS SUCH LIST MAY HAVE BEEN MODIFIED IN ACCORDANCE WITH ART 103), OTHER THAN THOSE WHICH HAVE BEEN IDENTIFIED BY THE AGENCY FOR INCLUSION IN THE SUBSIDIARY ARRANGEMENTS LISTING PURSUANT TO ART 39, THOSE FACILITIES WITH RESPECT TO WHICH PROVISIONAL FACILITY ATTACHMENTS SHALL BE PREPARED BY THE AGENCY AND THE UNITED STATES.

B. IN IDENTIFYING SUCH FACILITIES AND IN THE PREPARATION OF PROVISIONAL FACILITY ATTACHMENTS THE AGENCY SHALL AVOID DISCRIMINATORY TREATMENT AS BETWEEN UNITED STATES COMMERCIAL FIRMS SIMILARLY SITUATED.

ART 105. THE UNITED STATES AND THE AGENCY SHALL MAKE EVERY EFFORT TO COMPLETE THE PROVISIONAL FACILITY ATTACHMENT WITH RESPECT TO EACH FACILITY IDENTIFIED BY THE AGENCY PURSUANT TO ART 104 WITHIN NINETY DAYS FOLLOWING SUCH IDENTIFICATION TO THE UNITED STATES.

ART 106. DESIGN INFORMATION IN RESPECT OF EACH FACILITY IDENTIFIED BY THE AGENCY PURSUANT TO ART 104 SHALL BE PROVIDED TO THE AGENCY DURING THE DISCUSSION OF THE RELEVANT PROVISIONAL FACILITY ATTACHMENT. THE INFORMATION SHALL INCLUDE, WHEN APPLICABLE:

A. THE IDENTIFICATION OF THE FACILITY, STATING ITS GENERAL CHARACTER, PURPOSE, NOMINAL CAPACITY AND GEOGRAPHIC LOCATION, AND THE NAME AND ADDRESS TO BE USED FOR ROUTINE BUSINESS PURPOSE;

B. A DESCRIPTION OF THE GENERAL ARRANGEMENT OF THE FACILITY WITH REFERENCE, TO THE EXTENT FEASIBLE, TO THE FORM, LOCATION AND LIMITED OFFICIAL USE

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FLOW OF NUCLEAR MATERIAL AND TO THE GENERAL LAYOUT OF IMPORTANT ITEMS OF EQUIPMENT WHICH USE, PRODUCE OR PROCESS NUCLEAR MATERIAL;

C. A DESCRIPTION OF FEATURES OF THE FACILITY RELATING TO MATERIAL ACCOUNTANCY, CONTAINMENT AND SURVEILLANCE; AND

D. A DESCRIPTION OF THE EXISTING AND PROPOSED PROCEDURES AT THE FACILITY FOR NUCLEAR MATERIAL ACCOUNTANCY AND CONTROL, WITH

SPECIAL REFERENCE TO MATERIAL BALANCE AREAS ESTABLISHED BY THE OPERATOR, MEASUREMENTS OF FLOW AND PROCEDURES FOR PHYSICAL INVENTORY TAKING, AND INCLUDING ORGANIZATIONAL RESPONSIBILITY FOR MATERIAL ACCOUNTANCY AND CONTROL. THE AGENCY SHALL BE INFORMED, ON A TIMELY BASIS, OF ANY CHANGE IN THE INFORMATION PROVIDED TO IT UNDER THIS ARTICLE.

ART 107. THE DESIGN INFORMATION PROVIDED TO THE AGENCY IN ACCORDANCE WITH ART 106 SHALL BE USED FOR THE FOLLOWING PURPOSES: (SUB-PARAS A THRU F AS IN ART 46). THE RESULTS OF THE EXAMINATION OF THE DESIGN INFORMATION SHALL BE INCLUDED IN THE RELEVANT PROVISIONAL FACILITY ATTACHMENT.

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INFO OCT-01 IO-13 ADP-00 ACDA-19 CIAE-00 INR-10 L-03

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ART 108. DESIGN INFORMATION PROVIDED IN ACCORDANCE WITH ART 106 SHALL BE RE-EXAMINED IN THE LIGHT OF CHANGES IN OPERATING CONDITIONS, OF DEVELOPMENTS IN SAFEGUARDS TECHNOLOGY OR OF EXPERIENCE IN THE APPLICATION OF VERIFICATION PROCEDURES, WITH A VIEW TO MODIFYING THE ACTION TAKEN PURSUANT TO ARTICLE 107.

ART 109. THE AGENCY, IN COOPERATION WITH THE UNITED STATES, MAY SEND INSPECTORS TO FACILITIES TO VERIFY THE DESIGN INFORMATION PROVIDED TO THE AGENCY PURSUANT TO ARTICLE 106, FOR THE PURPOSES STATED IN ARTICLE 107.

ART 110. IN ESTABLISHING A NATIONAL SYSTEM OF MATERIALS CONTROL AS REFERRED TO IN ARTICLE 7, THE UNITED STATES SHALL ARRANGE THAT RECORDS ARE KEPT IN RESPECT OF EACH MATERIAL BALANCE AREA

DETERMINED IN ACCORDANCE WITH ARTICLE 107(B). THE RECORDS TO BE KEPT SHALL BE DESCRIBED IN THE PROVISION FACILITY ATTACHMENT RELEVANT TO EACH FACILITY IDENTIFIED IN ACCORDANCE WITH ART 104.

ART 111. RECORDS REFERRED TO IN ARTICLE 110 SHALL BE RETAINED FOR AT LEAST FIVE YEARS.

ART 112. RECORDS REFERRED TO IN ARTICLE 110 SHALL CONSIST, AS APPROPRIATE, OF:

A. ACCOUNTING RECORDS OF ALL NUCLEAR MATERIAL STORED, PROCESSED, LIMITED OFFICIAL USE

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USED OR PRODUCED IN EACH FACILITY, WITH THE EXCEPTION OF ANY NUCLEAR MATERIAL ASSOCIATED WITH AN ACTIVITY, WITHIN THE FACILITY, HAVING DIRECT NATIONAL SECURITY SIGNIFICANCE; AND

B. OPERATING RECORDS FOR ACTIVITIES WITHIN EACH FACILITY, WITH THE EXCEPTION OF ANY ACTIVITIES HAVING DIRECT NATIONAL SECURITY SIGNIFICANCE.

ART 113. SAME AS ART 55

ART 114. SAME AS ART 56, EXCEPT CHANGE REFERENCES FROM ART 54 AND ART 46(B) TO ART 112 AND ART 107(B), RESPECTIVELY.

ART 115. SAME AS ART 57, EXCEPT CHANGE REFERENCE FROM ART 54(A) TO ART 112(A).

ART 116. SAME AS ART 58, EXCEPT CHANGE REFERENCES FROM ART 54(B) AND ART 46(B) TO ART 112(B) AND ART 107(B) RESPECTIVELY.

ART 117. SAME AS ART 63, EXCEPT CHANGE REFERENCE FROM ART 46(B) TO ART 107(B).

ART 118. SAME AS ART 64, EXCEPT CHANGE REFERENCE FROM ART 63(A) TO ART 117(B), CHANGE ART 58 TO ART 116, CHANGE "SUBSIDIARY ARRANGEMENTS" TO "RELEVANT PROVISIONAL FACILITY ATTACHMENT."

ART 119. SAME AS ART 65, EXCEPT CHANGE "SUBSIDIARY ARRANGEMENTS" TO "RELEVANT FACILITY ATTACHMENT."

ART 120. SAME AS ART 67, EXCEPT CHANGE REFERENCE FROM ART 63(B) TO ART 117(B). END TEXT.PORTER

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